

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 24388 of 2004

Between:

M.A.Daiah, S/o.Pitchaiah
Nagarjupalli Gram Panchayat, Matur Mandal, Prakasam Dist.

..... PETITIONER

AND

- 1 The Dist Panchayat Officer Ongole, Prakasam Dist.
- 2 The Divisional Panchayat Officer Ongole, Prakasam Dist.
- 3 The Sub Treasury Officer, Martur, Prakasam Dist.
- 4 The Branch Manager, State Bank Of India, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the Notice Roc.No.1046/2004 (pts) A1 dt 6-7-2004, issued by the Respondent No.1 as illegal, arbitrary, and without jurisdiction and against the Principles of natural justice, and set-aside the same and to pass such other order or orders.

Counsel for the Petitioner: SMT.S.V.INDIRA

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

This Court at the admission stage made the following :

ORDER:

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This writ petition is filed against the order dated 06-07-2004 passed by the first respondent under Rule 42(1) of the Rules issued in G.O.Ms.No.30, dated 20-01-1995.

Against the said order, an efficacious alternative remedy of appeal is available under the statute. Without exhausting the said remedy, the petitioner cannot maintain with writ petition.

The writ petition is accordingly disposed of granting leave and liberty to the petitioner to prefer an appeal before the District Collector concerned. If any such appeal is filed within a period of two weeks from today, the same shall be entertained and appropriate orders be passed, in accordance with law, within a period of four weeks thereafter. No costs.

(G. ROHINI, J)

Date: 18-03-2005

Note:

Issue CC in two days.

B/o

ghn

To

- 1 The Dist Panchayat Officer Ongole, Prakasam Dist.
- 2 The Divisional Panchayat Officer Ongole, Prakasam Dist.
- 3 The Sub Treasury Officer, Martur, Prakasam Dist.
- 4 The Branch Manager, State Bank Of India, Prakasam Dist.
- 5 Two CCs to the Government Pleader for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad. (O.U.T.)

6 Two CD copies.